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Board of Vocational Nursing
and Psychiatric Technicians

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BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. VN-2007-1384

JAIME RAFAEL SERRANZANA DAVID
a.k.a. JAIME RAFAEL DAVID
635 Cedar Avenue
San Bruno, California 94066

A C C U S A T I O N

Vocational Nurse License No. VN 213768

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about March 11, 2005, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 213768 to Jaime Rafael Serranzana David a.k.a. Jaime Rafael David (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2011, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric

1 Technicians (Board), Department of Consumer Affairs, under the authority of the following laws.

2 All section references are to the Business and Professions Code unless otherwise indicated.

3 STATUTORY PROVISIONS

4 4. Section 2875 of the Business and Professions Code provides, in pertinent part, that
5 the Board may discipline the holder of a vocational nurse license for any reason provided in
6 Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

7 5. Section 118(b) of the Business and Professions Code provides, in pertinent part, that
8 the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary
9 action during the period within which the license may be renewed, restored, reissued or
10 reinstated. Under section 2892.1 of the Code, the Bureau may renew an expired license at any
11 time within four years after the expiration.

12 6. Section 2878 of the Business and Professions Code, in pertinent part, states:

13 "The Board may suspend or revoke a license issued under this chapter [the Vocational
14 Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

15 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

16 . . .

17 "(f) Conviction of a crime substantially related to the qualifications, functions, and duties
18 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive
19 evidence of the conviction.

20 . . .

21 7. Section 2878.5 of the Business and Professions Code, in pertinent part, states:

22 In addition to other acts constituting unprofessional conduct within the meaning of this
23 chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed
24 under this chapter to do any of the following:

25 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
26 physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or
27

1 administer to another, any controlled substance as defined in Division 10 of the Health and Safety
2 Code, or any dangerous drug as defined in Section 4022.

3 "(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code,
4 or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a
5 manner dangerous or injurious to himself or herself, any other person, or the public, or to the
6 extent that the use impairs his or her ability to conduct with safety to the public the practice
7 authorized by his or her license.

8 "(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous
9 drug, or the prescription, consumption, or self-administration of any of the substances described
10 in subdivisions (a) and (b) of this section, in which event the record of the conviction is
11 conclusive evidence thereof.

12 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of
13 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this
14 section, in which event the court order of commitment or confinement is prima facie evidence of
15 that commitment or confinement.

16 . . .

17 8. Section 490 of the Business and Professions Code provides, in pertinent part, that the
18 Board may suspend or revoke a license when it finds that the licensee has been convicted of a
19 crime substantially related to the qualifications, functions or duties of a licensed vocational nurse.

20 9. Section 125.3 of the Business and Professions Code provides, in pertinent part, that
21 the Board may request the administrative law judge to direct a licensee found to have committed
22 a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
23 investigation and enforcement of the case.

24 10. California Code of Regulations, title 16, section 2518.6, in pertinent part, states:

25 ". . .

26 "(b) A licensed vocational nurse shall adhere to standards of the profession and shall
27 incorporate ethical and behavioral standards of professional practice which include but are not
28 limited to the following:

1 . . .

2 "(4) Abstaining from chemical/substance abuse;

3 . . .

4 FIRST CAUSE FOR DISCIPLINE
(Unprofessional Conduct)

5 11. Respondent is subject to disciplinary action under Business and Professions Code
6 section 2878(f) in that respondent has been convicted of a crime substantially related to the
7 qualifications, functions or duties of a vocational nurse, the circumstances are as follows:
8

9 a. On or about February 11, 2008, in a criminal proceeding entitled People v. Jaime
10 Rafael David in Sacramento County Superior Court, Case No. 07F11884, respondent was
11 convicted of violating Vehicle Code section 23152(a) (Driving under the influence of alcohol), a
12 misdemeanor.

13 b. The circumstances surrounding the conviction are that on or about December 15,
14 2007, a Sacramento Police Officer encountered the respondent at scene of a collision. After
15 making contact with the respondent the officer noticed the smell of alcohol emanating from his
16 person. The officer watched respondent stagger and he noticed respondent's blood shot watery
17 eyes. The officer also observed that respondent was wearing two wristbands typically issued by
18 bars or clubs. The officer confirmed that respondent was the driver of the vehicle that caused the
19 collision. Based on the officer's observations, he arrested the respondent for driving under the
20 influence of alcohol causing bodily injury and for driving while having a blood alcohol of .08%
21 or higher causing bodily injury.

22 c. On or about February 11, 2008, the court placed respondent on informal probation for
23 4 years, ordered him to serve 10 days in the County Jail, and ordered him to pay fines and fees,
24 and enroll and complete a multiple DUI offender Program.

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12. Respondent is subject to disciplinary action under Business and Professions Code section 2878.5(b) in that respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to himself or others, as referenced in paragraph 11, above.

13. Respondent is subject to disciplinary action under Business and Professions Code section 2878.5(c) in that respondent was convicted of a crime involving the consumption of alcoholic beverages, as referenced in paragraph 11, above.

14. Respondent is subject to disciplinary action under Business and Professions Code section 2878 and California Code of Regulations, title 16, section 2518.6(b)(4) in that respondent failed to abstain from chemical/substance abuse.

15. On or about March 3, 2005, the Board of Vocational Nursing and Psychiatric Technicians notified the respondent in writing that his 2001 conviction for driving under the influence of alcohol was substantially related to licensure as a vocational nurse. However, the Board informed respondent that it would not pursue disciplinary action against him for his 2001 arrest for burglary and his 2001 conviction for driving under the influence of alcohol because the respondent had complied with the terms and conditions of his sentence and that respondent did not have any subsequent convictions. In its March 2005 letter to respondent, the Board warned respondent that if it receives future reports that he has engaged in similar conduct or otherwise violated the law or regulations governing the practice as a vocational nurse, the Board may take disciplinary action against his license.

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
4 issue a decision:

- 5 1. Revoking or suspending Vocational Nurse License Number VN 213768, issued to
6 Jaime Rafael Serranzana David a.k.a. Jaime Rafael David.
- 7 2. Ordering Jaime Rafael Serranzana David to pay the Board of Vocational Nursing and
8 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
9 pursuant to Business and Professions Code section 125.3;
- 10 3. Taking such other and further action as deemed necessary and proper.

11 DATED: December 23, 2010



12 TERESA BELLO JONES, J.D., M.S.N., R.N.
13 Executive Officer
14 Board of Vocational Nursing and Psychiatric Technicians
15 Department of Consumer Affairs
16 State of California
17 Complainant

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